

Joseph J. Tabacco, Jr. (SBN 75484)
Email: jtabacco@bermanesq.com
Nicole Lavallee (SBN 165755)
Email: nlavallee@bermanesq.com
Julie J. Bai (SBN 227047)
Email: jbai@bermanesq.com
BERMAN DeVALERIO PEASE TABACCO
BURT & PUCILLO
425 California Street, Suite 2100
San Francisco, CA 94104
Telephone: (415) 433-3200
Facsimile: (415) 433-6382

Local Counsel

Sherrie R. Savett
Email: ssavett@bm.net
Arthur Stock
Email: astock@bm.net
Jeffrey L. Osterwise
Email: josterwise@bm.net
BERGER & MONTAGUE, P.C.
1622 Locust Street
Philadelphia, PA 19103
Telephone: (215) 875-3000
Facsimile: (215) 875-4604

Attorneys for Plaintiff Allen M. Metzger

UNITED STATES DISTRICT COURT
NORTHERN DISTRICT OF CALIFORNIA

JOSEPH LEONE, individually and on behalf
all others similarly situated,) No. C-07-04073-JCS
Plaintiff,) CLASS ACTION
v.) **ADMINISTRATIVE MOTION TO
CONSIDER WHETHER CASES SHOULD
BE RELATED PURSUANT TO CIVIL L.R.
3-12 AND 7-11**
S. TREZEVANT MOORE, JR.,)
CHRISTOPHER J. ZYDA, ELEANOR)
CORNFIELD MELTON, RONALD VIERA,)
DIMITRIOS PAPATHEOHARIS AND)
LUMINENT MORTGAGE CAPITAL, INC.,)
Defendants)

Caption continues on following page.

ALLEN M. METZGER, on behalf of himself and all others similarly situated, } No. C-07-04686-MHP
Plaintiff, } CLASS ACTION
v. }
LUMINENT MORTGAGE CAPITAL, INC., }
GAIL P. SENECA, SEWELL TREZEVANT }
MOORE, JR., and CHRISTOPHER J. ZYDA, }
Defendants. }

TO THE COURT AND ALL PARTIES OF RECORD:

PLEASE TAKE NOTICE that Allen M. Metzger, plaintiff in *Metzger v. Luminent Mortgage Capital, Inc.*, Case No. C-07-04686-MHP, filed on September 11, 2007 ("Metzger"), hereby moves this Court pursuant to Civil L.R. 3-12 and 7-11 to consider whether *Metzger* and the following actions should be related to *Leone v. Moore*, C-07-04073 JCS ("Leone"), the low-numbered case pending before the Honorable Joseph C. Spero, United States District Court Judge:

<u>CASE</u>	<u>CASE NO.</u>	<u>JUDGE ASSIGNED</u>	<u>FILED</u>
<i>Leone v. Moore</i>	C-07-04073-JCS	Joseph C. Spero	08/08/07
<i>Rosenbaum Capital LLC v. Luminent Mortgage Capital, Inc. ("Rosenbaum")</i>	C-07-04096-SI	Susan Illston	08/09/07
<i>Howard J. Kaplowitz IRA v. Luminent Mortgage Capital, Inc. ("Kaplowitz")</i>	C-07-04140-PJH	Phyllis J. Hamilton	08/10/07
<i>Greenberg v. Luminent Mortgage Capital, Inc. ("Greenberg")</i>	C-07-04141-SBA	Saundra B. Armstrong	08/13/07
<i>PEM Resources LP v. Luminent Mortgage Capital, Inc. ("PEM")</i>	C-07-04184-WHA	William H. Alsup	08/15/07

The allegations in *Metzger* reveal that this action is related to the actions filed in the Northern District of California against Luminent Mortgage Capital, Inc. (“Luminent”) and other defendants, as listed above.

[C-07-04686-MHP] ADMINISTRATIVE MOTION TO
CONSIDER WHETHER CASES SHOULD BE RELATED

1 The *Metzger, Leone, Rosenbaum, Kaplowitz, Greenberg* and *PEM* actions concern
 2 substantially the same parties, property, transactions or events. All of these cases involve most of
 3 the same defendants: Luminent, Gail P. Seneca, Sewell Trezevant Moore, Jr. and Christopher J.
 4 Zyda. In addition, the above-named actions are all class actions brought on behalf of all persons
 5 and entities who purchased Luminent's publicly traded securities between October 10, 2006 and
 6 August 6, 2007, inclusive ("Class Period"), against Luminent and certain of its officers and
 7 directors for violations of the Securities Exchange Act of 1934. These class actions all allege that
 8 defendants made materially false and misleading statements regarding Luminent's business and
 9 financial results. Specifically, throughout the Class Period, defendants assured investors that
 10 Luminent's business was sound, that it made "high-quality" investments and that it had adequate
 11 liquidity. Defendants' false and misleading statements caused Luminent's stock price to be
 12 artificially inflated during the Class Period.

13 Further, it appears likely that there would be an unduly burdensome duplication of labor,
 14 expense and/or conflicting results if these cases were to proceed before different judges.

15 WHEREFORE, plaintiff requests that the Court enter an order relating *Metzger*,
 16 *Rosenbaum, Kaplowitz, Greenberg* and *PEM* to *Leone*, the low-numbered case, and that *Metzger*,
 17 *Rosenbaum, Kaplowitz, Greenberg* and *PEM* be reassigned to the Honorable Joseph C. Spero.

18 DATED: September 14, 2007

**BERMAN DEVALERIO PEASE ABACCO
BURT & PUCILLO**

20 By: _____

NICOLE LAVALLEE

21
 22 Joseph J. Tabacco, Jr.
 23 Julie J. Bai
 24 425 California Street, Suite 2100
 25 San Francisco, CA 94104
 Telephone: (415) 433-3200
 Facsimile: (415) 433-6382

26 **Local Counsel**

1 Sherrie R. Savett
2 Arthur Stock
3 Jeffrey L. Osterwise
4 **BERGER & MONTAGUE, P.C.**
5 1622 Locust Street
6 Philadelphia, PA 19103
7 Telephone: (215) 875-3000
8 Facsimile: (215) 875-4604

9
10
11
12
13
14
15
16
17
18
19
20
21
22
23
24
25
26
27
28
9
10
11
12
13
14
15
16
17
18
19
20
21
22
23
24
25
26
27
28
[C-07-04686-MHP] ADMINISTRATIVE MOTION TO
CONSIDER WHETHER CASES SHOULD BE RELATED